

Senate Bill 430

By: Senators Schaefer of the 50th, Williams of the 19th, Thomas of the 54th, Smith of the 52nd, Rogers of the 21st and others

A BILL TO BE ENTITLED
AN ACT

To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education, so as to provide that mental health screening shall not be given to students without prior parental consent; to provide for notice; to provide for the withholding of state funds by the State Board of Education; to provide for construction; to provide for a consent form; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education, is amended by adding a new Code section to the end of such part to read as follows:

"20-2-775.

(a) As used in this Code section, the term 'mental health screening' shall mean any interview or survey designed to determine a student's thoughts, feelings, or behavior at the present time or in the past.

(b) No student in any local school system shall be required to submit to any mental health screening without the prior written consent of the student's parent or guardian or the student, in the case of an emancipated minor. Such written consent shall be in substantially the same form as included in subsection (f) of this Code section.

(c) No later than 45 days prior to any proposed screening, the local school system shall provide notice to the parent or guardian or the student, in the case of an emancipated minor, of the proposed screening. The notice shall include information about the content of the screening and must inform the parent, guardian, or student, as appropriate, that his or her written consent must be given in order for the student to participate.

(d) The State Board of Education shall have the authority to withhold funds, in accordance with Code Section 20-2-243, from any local school system which fails to obtain written consent prior to the mental health screening of a student or otherwise fails to comply with this Code section.

(e) Nothing in this Code section shall be construed to conflict with or violate the provisions of the federal Individuals with Disabilities Education Act, including provisions relating to psychological evaluations for purposes of evaluating students with disabilities.

(f) Local school systems shall use the following form, in substantially the same content and format, to obtain the written permission required pursuant to this Code section prior to administering a mental health screening to any student:

TO: (Parent or guardian) _____

FROM: (School or organization) _____

[Insert particulars regarding the name of the screening program and where and when it will take place.]

FULL INFORMED CONSENT FOR MENTAL HEALTH SCREENING

Mental health screening methods for children and adolescents vary from state to state, but usually involve a self-administered computer interview or "survey" to determine how they feel emotionally (anxious or worried, sad or depressed) or their behavior at the present time or in the past. These questions can cover thoughts or feelings your child has had or you've had about them over the last year.

Based on an evaluation of your child's answers regarding their feelings or behavior, your child could be given a diagnosis of a "mental disorder." Another option is that you could be asked to bring your child in for a follow-up interview or evaluation to determine if he or she has a mental disorder or syndrome. These diagnoses have to be made by a psychologist, psychiatrist, or medical doctor, but there is a growing controversy over the validity of psychiatric diagnoses.

There are currently 374 diagnoses of mental disorders in the American Psychiatric Association's diagnostic manual. The psychologist, psychiatrist,

1 and medical doctor depend on these diagnoses in order to bill the private
2 insurance companies or government insurance such as Medicaid.

3 The attitudes, beliefs, actions, inactions, or behaviors of a child or adolescent
4 and whether or not these constitute a mental disorder are solely based on the
5 opinion of the person making the diagnosis. Unlike methods to determine
6 diseases like cancer, diabetes, or tuberculosis, a diagnosis of "mental disorder"
7 or "syndrome" is not based on any physical medical test, such as a brain scan,
8 "chemical imbalance" test, X-ray, or blood test. In fact, the former U.S.
9 Surgeon General, in his 1999 Report on Mental Health, stated "the diagnosis
10 of mental disorders is often believed to be more difficult than diagnosis of
11 medical disorders *since there is no definitive lesion, laboratory test or*
12 *abnormality in brain tissue that can identify the illness.*" [emphasis added]

13 A common misconception is that mental health screening will prevent suicides.
14 However, the U.S. Preventive Services Task Force (USPSTF) studied this and
15 recommended against screening for suicide in 2004, saying, "USPSTF found
16 no evidence that screening for suicide risk reduces suicide attempts or
17 mortality."

18 Commonly prescribed drugs to treat mental disorders can have serious effects
19 on some children and adults. The U.S. Food and Drug Administration (FDA)
20 has required that manufacturers of antidepressants place a "black box"
21 warning, their most severe warning to the general public, on their
22 antidepressants because of suicide risks for all antidepressants prescribed to
23 children under the age of 18 years. Additionally, in 2005 the European
24 Committee for Medicinal Products for Human Use (CHMP), which includes
25 members from 25 European Union member states, after reviewing the data
26 from clinical trials of the newer antidepressants, determined that they should
27 not be prescribed to children under the age of 18 years because they can
28 produce suicidal behavior, including suicide attempts and thinking about
29 suicide, or related behavior such as self-harm, hostility, or mood changes.

30 Informed Consent for Mental Health Screening

31 I acknowledge that I have read and understood the above information to the
32 best of my ability, and based on my understanding, I am choosing one of the
33 following:

a) **I give my consent** for my child to undergo an evaluation for emotional, behavior, mental, specific learning disabilities, or other health impairments (mental health screening).

(Signature of Parent)

Date

b) **I do not give my consent** for my child to undergo an evaluation for emotional, behavior, mental, specific learning disabilities, or other health impairments (mental health screening).

(Signature of Parent)

Date

PLEASE ENSURE THIS FORM IS RETURNED BEFORE THE
SCREENING DATE."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.